



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Sierra Front Field Office
5665 Morgan Mill Rd
Carson City, NV 89701
<http://www.blm.gov/nv>

In Reply Refer To:
N-92869
N-89713
3809 (NVC0200)

DEC 19 2014

CERTIFIED MAIL – 7013 0600 0001 1527 2955
RETURN RECEIPT REQUESTED

DECISION

Bonaventure Nevada Inc.	:	
4235 Christy Way	:	43 CFR Subpart 3809
Reno, NV 89509	:	Surface Management

PLAN OF OPERATIONS APPROVED – CONDITIONS OF APPROVAL REQUIRED **DETERMINATION OF REQUIRED FINANCIAL GUARANTEE AMOUNT**

The Bureau of Land Management (BLM) has completed processing the Bonaventure Nevada, Inc. (BVT) Plan of Operations (N-92869) for the Hercules Exploration Project (Project). The Project would consist of exploration drilling from 167 constructed drill sites and trenching at 25 sites, to be accessed by existing and proposed constructed roads. These exploration activities would be a continuation of Notice-level (N-89713) exploration that BVT has been conducting in the Project area over the past three years. BVT has completed approximately 4.6 acres of Notice-level exploration, and once the Plan is approved, an additional 18.02 acres of disturbance is proposed to occur over a three-year period. Upon the completion of exploration activities, reclamation would be completed.

Plan of Operations N-92869 is hereby approved subject to conditions of approval listed below. The former Notice-level exploration disturbance completed under N-89713 will now become part of the Plan of Operations, and Notice N-89713 will be closed. Operations must be conducted as described in the Plan of Operations and in accordance with the following BLM conditions of approval (COA):

Conditions of Approval

1. Emissions of fugitive dust from disturbed surfaces will be minimized by utilizing appropriate control measures. Surface application of water from a water truck and reduced speed limits on dirt access roads are the current methods of dust control.

2. Pursuant to 43 CFR 10.4(g), BVT will notify the BLM authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4 (c) and (d), the operator will immediately stop all activities in the vicinity of the discovery and not commence again for a maximum of 30 days or when notified to proceed by the BLM authorized officer.
3. BVT will not knowingly disturb, alter, injure, or destroy any historical or archaeological site, structure, building, or object. If BVT discovers any cultural resource that might be altered or destroyed by operations, the discovery will be left intact and reported to the authorized BLM officer.
4. In order to prevent impacts to cultural resources, BVT will avoid eligible or unevaluated cultural sites within the Project Area. BVT will ensure that eligible or unevaluated cultural sites within the Project Area are mapped and flagged by a qualified cultural resource specialist with a global positioning system (GPS) unit prior to surface disturbance.
5. Reseeding will be consistent with all BLM recommendations for seed mix constituents, application rate, and seeding methods.
6. Final reclamation of constructed roads, sumps, and drill pads will consist of fully recontouring disturbances to their original grade and reseeded in the fall season immediately following completion of exploration activities.
7. Drill pads and sumps will be reclaimed as soon as practicable after completion of data logging and sampling.
8. All applicable state and federal fire laws and regulations will be complied with and all reasonable measures will be taken to prevent and suppress fires in the Project Area.
9. In the event that the Project should start a fire, BVT will be responsible for all the costs associated with the suppression. The following precautionary measures will be taken to prevent and report wildland fires.
10. All vehicles will carry fire extinguishers and a minimum of ten gallons of water.
11. Adequate firefighting equipment (i.e., shovel, Pulaski, extinguishers) and a minimum ten gallons of water will be kept at each drill site.
12. Vehicle catalytic converters will be inspected often and cleaned of brush and grass debris.
13. BVT will conduct welding operations in an area free from or mostly free from vegetation.

14. A minimum of ten gallons of water and a shovel will be on hand to extinguish any fires created from the sparks. Extra personnel will be at the welding site to watch for fires created by welding sparks.
15. BVT will report wildland fires immediately to the BLM Sierra Front Interagency Dispatch Center (Minden) at 775 882-9187.
16. When conducting operations during the months between May and November, BVT will contact the BLM, Sierra Front Interagency Dispatch Center (Minden) at 775 882-9187 to inquire about any fire restrictions in place for the area of operation and to advise this office of approximate beginning and ending dates for the activities.
17. Pursuant to 43 CFR 8365.1-1(b)(3), no sewage, petroleum products, or refuse will be dumped from any trailer or vehicle.
18. Only nontoxic fluids will be used in the drilling process.
19. Regulated wastes will be removed from the Project Area and disposed of in a State, federal, or local designated area.
20. If a spill of a petroleum constituent is considered to meet the reportable quantity per NDEP guidelines (greater than 25 gallons or greater than three cubic yards of impacted material, or any quantity if a water body is impacted), or a reportable quantity for hazardous waste is released based on the Federal Environmental Protection Agency guidelines established under Title III List of Lists (40 CFR Part 302), NDEP will be notified within 24 hours, and the appropriate remedial actions and confirmation sampling will be conducted under direction of NDEP.
21. In order to avoid potential impacts to breeding migratory birds, a nest survey will be conducted by a BLM approved biologist prior to any surface disturbance associated with exploration activities during the avian breeding season (March 1 through August 31 for raptors and April 1 through July 31 for other avian species). Pre-disturbance surveys for migratory birds are only valid for 14 days. If the disturbance for the specific location does not occur within fourteen days of the survey, another survey will be needed. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nest material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) will be delineated after consultation with the BLM resource specialist and the buffer area avoided to prevent destruction or disturbance to nests or birds until they are no longer actively breeding or rearing young. The site characteristics to be used to determine the size of the buffer area are as follows:
 - a) topographic screening;
 - b) distance from disturbance to nest;
 - c) the size and quality of foraging habitat surrounding the nest;
 - d) sensitivity of the species to nest disturbances, and;
 - e) the protection status of the species.

22. Noxious weeds will be controlled through implementation of preventative best management practices and eradication measures if noxious weeds are found.
23. To eliminate the transport of vehicle-borne noxious weed seeds, roots, or rhizomes, all vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities, for emergency fire suppression, or for authorized off-road driving within the Project Area, will be free of soil and debris capable of transporting weed. All such vehicles and equipment will be cleaned with high power or high pressure equipment prior to entering the Project Area. Vehicles and equipment will not drive through known populations of noxious weeds or invasive species following the vehicle washing and prior to entering the Project Area. Vehicles used for emergency fire suppression will be cleaned as part of check-in and demobilization procedures. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axles, frames, cross members, motor mounts, on and underneath the steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles.
24. BVT will not knowingly disturb, alter, injure, or destroy any scientifically important paleontological deposits. If BVT discovers any paleontological resource that might be altered or destroyed by operations, the discovery will be left intact and reported to the authorized BLM officer.
25. Public safety will be maintained throughout the life of the Project. All equipment and other facilities will be maintained in a safe and orderly manner.
26. All sumps and other small excavations that pose a hazard or nuisance to the public, wildlife, or livestock will be adequately fenced to preclude access to them. Activities will be restricted to frozen or dry ground conditions where feasible. Operations will be curtailed when saturated and soft soil conditions exist.
27. In the event that any existing roads are severely damaged as a result of BVT activities, BVT will return them to their original condition.
28. Any survey monuments, witness corners, or reference monuments will be protected to the extent economically and technically feasible.
29. All drill holes will be surveyed and plugged as an operational procedure immediately after completion of drilling in accordance with NAC Chapters 534.4369 and 534.4371. Four drill holes will be collared with a reverse circulation drill rig and completed using a core rig. Once the core rig has completed drilling, the holes will be plugged. Remaining drill holes will be plugged by placing drill cuttings or inorganic fill material into the total depth of the hole, or if ground water was encountered, plugged as a well pursuant to NAC 534.420.

30. BVT will follow the Spill Contingency Plan in Appendix D of the approved Plan of Operations.

31. Drill cuttings and fluids will be contained on site utilizing appropriate control measures.

32. Sediment traps will be used as necessary and filled at the end of the drill program.

Financial Guarantee

Based on your reclamation cost estimate, the BLM review of the cost estimate, and consideration of the above conditions of approval, the required financial guarantee amount for Plan of Operations N-92869 is hereby set at \$82,879.00 for reclamation of the Hercules Exploration Project. This decision also reduces the reclamation cost associated with Notice N-89713 from \$18,668.00 to \$0.00, as the reclamation liability remaining under that Notice will be included with Plan of Operations N-92869, and Notice N-89713 will be closed.

You must provide a financial guarantee of \$82,879.00 using one or more of the acceptable financial guarantee instruments listed under 43 CFR 3809.555. The financial guarantee must be provided to the BLM Nevada State Office, Solid Minerals Adjudication, 1340 Financial Blvd., Reno, Nevada 89502. That office will issue you a decision as to the acceptability of your financial guarantee. You must not begin activities under the approved Plan of Operations until you receive notification from the BLM Nevada State Office that the financial guarantee has been accepted and obligated.

The BLM and the State of Nevada Division of Environmental Protection Bureau of Mining Regulation and Reclamation (BMRR) also require an “as built” map be submitted annually on or before April 15th which accurately depicts locations of all permitted constructed and overland drill road and drill pad disturbances, and all reclaimed disturbances. The as-built map (due initially on or before April 15, 2015 and annually thereafter) shall be accompanied with a table that includes the following information.

1. A breakdown of the lengths and widths of disturbed areas.
2. A summary of disturbance acreage by disturbance type and public/private land status.
3. A summary of reclaimed disturbance including type of reclamation performed (i.e. recontoured, scarified and/or seeded), dates of completed reclamation activities, disturbance type and land status.

Appeal of the Decision

If you are adversely affected by this decision, you may request that the Nevada BLM State Director review this decision. If you request a State Director Review, the request must be received in the Nevada BLM State Office at 1340 Financial Blvd., Reno, Nevada 89502, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Nevada BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office (at the above address) which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA. This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Request for a Stay

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by Interior Board of Land Appeals (IBLA), the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

If you have any questions concerning this decision, please contact Dan Erbes, Minerals Specialist, at the above address or telephone (775) 885-6000.



Leon Thomas
Field Manager
Sierra Front Field Office

Enclosure:

cc: NV-923
Richard Gantt, NDEP